

## **REMARKS**

The Office Action mailed February 27, 2004 has been received and carefully considered. Upon entry of the present amendment, claims 1-5, 7-16, 18-19 and 21-39 will be pending. Claims 1, 2, 5, 10-13, 15-18, 24 and 25 stand rejected in the Office Action. The Examiner has indicated that claims 3-4, 6-9, 14 and 19-23 are all directed to allowable subject matter for which Applicants express their appreciation.

Claims 16 and 24 stand rejected as assertedly anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,712,721 to Large ("Large"). Claims 1, 2, 5, 10-13, 15, 17-18, and 25 stand rejected as assertedly obvious under 35 U.S.C. § 103(a) by Large in view of U.S. Patent No. 5,359,444 to Piosenka et al. ("Piosenka"). Claim 10 stands rejected as assertedly indefinite under 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that these rejections have been obviated in light of the preceding amendments and that the claims are now in condition for allowance.

### **I. Amendments to the claims**

Claim 1 has been amended to include the limitation found in objected-to claim 6 and claim 16 has been amended to include the limitations found in objected-to claim 20, which are consistent with the Examiner's indication of allowable subject matter. Claims 7-9 and 21-23 have been amended to more broadly claim the invention of these claims in accordance with the full breadth supported by the specification.

New claims 26-39 have been added, which are consistent with the subject matter which the Examiner has indicated as allowable. Support for all of these amendments is found throughout the specification as originally filed and no new matter is presented.

Particularly with respect to claim 34, Applicants note that neither Large alone, nor in combination with Piosenka, teaches an electro-active contact lens that includes an electro-active element encapsulated within a rigid material, wherein the rigid material is further surrounded by a hydrophilic material. At most, Large teaches that the encapsulating material could be a conventional ophthalmic lens material (col. 6, lines 65-67), but does not teach surrounding the encapsulating material with hydrophilic material.

Accordingly, Applicants respectfully submit that the Application is now in condition for allowance.

### CONCLUSION

For at least the reasons stated above, claims 1-5, 7-16, 18-19, and 21-39 are in condition for allowance. Accordingly, Applicants respectfully request that the Application be allowed and passed to issue upon entry of the preceding amendments. In the event any outstanding issues remain, Applicants would appreciate the courtesy of a telephone call to Applicants' undersigned representative to resolve such issues in an expeditious manner.

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Respectfully submitted,



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